

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GOLDWELL OF NEW JERSEY, INC.,
t/a Goldwell Mid-Atlantic,
Plaintiff,

v.

KPSS, INC.,
d/b/a Goldwell,
Defendant.

Civ. Action No. 07-3919 (KSH)

ORDER

KATHARINE S. HAYDEN, U.S.D.J.

For the reasons stated in the Opinion filed herewith,

It is on this 31st day of March, 2009, hereby

ORDERED that the Court grants in part and denies in part KPSS's motion for summary judgment [D.E. # 85] as follows:

The motion for summary judgment in favor of KPSS dismissing Count One of the amended complaint is **DENIED**;

The motion for summary judgment in favor of KPSS dismissing Counts Two, Three, Four, and Five of the amended complaint is **GRANTED**;

The motion for summary judgment in favor of KPSS on Counts Three, Four, Five, and Seven of its own amended counterclaim is **DENIED**; and it is further

ORDERED that Mid-Atlantic's motion for summary judgment [D.E. # 86] in its favor on Count One of the amended complaint is **DENIED**.

/s/ Katharine S. Hayden, U.S.D.J.